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Message Text

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ACTION DLOS-02

INFO OCT-01 ISO-00 SS-14 SP-02 PM-03 L-01 IO-03 OES-02

EB-03 INR-05 SSO-00 INRE-00 AF-04 ARA-06 EA-06 NEA-07

EUR-08 /067 W
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O 172025Z AUG 76
FM USMISSION USUN NY
TO SECSTATE WASHDC IMMEDIATE 8701

S E C R E T SECTION 1 OF 2 USUN 3275

STADIS//////////////////////////////

LIMDIS

FROM AMBASSADOR LEARSON FOR UNDER SECRETARY MAW

E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOS - LETTER FROM THE SECRETARY TO HEADS OF STATE AND
FOREIGN MINISTERS

1) THIS CABLE TRANSMITS A BASIC DRAFT FOR LETTERS FROM
THE SECRETARY, TO BE ADJUSTED AS NECESSARY FOR SPECIFIC CASES.
THE SECRETARY INDICATED TO US THAT HE WISHED TO WRITE TO
PRESIDENT KENYATTA, TO PRESIDENT ECHEVARRIA (OR GARCIA-ROBLES),
AND POSSIBLY TO PRESIDENT SADAT. THE SUBSTANCE OF THE LETTER
CAN ALSO BE USED IN LETTERS TO THE VARIOUS FOREIGN MINISTERS
INVITING THEM TO ATTEND THE CONFERENCE AND/OR INFORMING THEM
OF THE SECRETARY'S PLANNED SECOND VISIT. THE DETAILS COULD
BE INSERTED AT THE BEGINNING OR END.

2) WE DO NOT BELIEVE ALL THE LETTERS NEED TO GO INTO SIMILAR
SUBSTANTIVE DETAIL, BUT WOULD RECOMMEND THAT THE SUBSTANTIVE DETAIL
BE
INCLUDED IN THOSE CAPITALS WHERE THERE IS REASON TO EXPECT
THAT THE LETTER MAY STIMULATE INSTRUCTIONS TO THE DELEGATIONS.
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3) BEGIN TEXT:

DEAR ( )

I AM WRITING TO YOU BECAUSE OF MY CONCERN THAT UNLESS YOU AND OTHER LEADERS INTERVENE, THE NATIONS OF THE WORLD MAY LOSE A UNIQUE OPPORTUNITY TO ESTABLISH A REGIME FOR PEACEFUL COOPERATION AND DEVELOPMENT OF INTERNATIONAL INSTITUTIONS THAT COULD LAST, AND GROW, INTO THE INDEFINITE FUTURE. THE PRESIDENT OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA HAS DESCRIBED THE CURRENT SESSION AS CRITICAL AND CRUCIAL. MY RECENT VISIT TO THE CONFERENCE CONVINCES ME THAT HE IS ABSOLUTELY CORRECT, AND THAT IT IS NECESSARY FOR WORLD LEADERS TO ADDRESS THE PROBLEM URGENTLY. IT SEEMS REASONABLY CLEAR THAT IF AGREEMENT ON OUTSTANDING ISSUES IS NOT REACHED AT THIS SESSION, AT LEAST IN PRINCIPLE, THE CHANCES OF CONCLUDING A TREATY EARLY NEXT YEAR OR THEREAFTER WILL BE DIM. I BELIEVE THE TIME HAS BEEN REACHED FOR YOU TO DECIDE WHETHER YOUR DELEGATION WILL BE INSTRUCTED TO SUPPORT ONLY THOSE CONCEPTS AND APPROACHES THAT CAN FORM THE BASIS OF A WIDELY ACCEPTED TREATY RATHER THAN THOSE THAT SATISFY ONLY CERTAIN NATIONS OR GROUPS.

(COUNTRY) AND THE UNITED STATES HAVE PLAYED AN ACTIVE ROLE IN THE NEGOTIATIONS FOR MANY YEARS. WE HAVE A SPECIAL RESPONSIBILITY TO ENSURE THEIR SUCCESS.

THE BASIC REQUIREMENTS OF OUR RESPECTIVE COUNTRIES HAVE BEEN SATISFIED IN THE DRAFT TEXT, WHICH PROVIDES FOR A 12-MILE MAXIMUM TERRITORIAL SEA, UNIMPEDED PASSAGE OF STRAITS, A 200-MILE ECONOMIC ZONE IN WHICH THE COASTAL STATE EXERCISES SOVEREIGN RIGHTS OVER FISHERIES AND MINERAL RESOURCES AND CERTAIN OTHER RIGHTS, WHILE NAVIGATIONAL AND OTHER FREEDOMS ARE PRESERVED. HOWEVER, CERTAIN OBSTACLES REMAIN TO THE CONCLUSION OF A TREATY. WITH SO MUCH ALREADY RIPE FOR AGREEMENT, WE MUST WORK TOGETHER TO ENSURE THAT THESE OBSTACLES CAN BE OVERCOME.

WITH RESPECT TO THE INTERNATIONAL REGIME FOR THE DEEP
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SEABEDS, WE MUST BEAR IN MIND THAT THE AREA IN QUESTION WILL BE SEAWARD OF THE 200-MILE ECONOMIC ZONE AND THE CONTINENTAL SHELVES OF COASTAL NATIONS. THE EXPLOITABLE RESOURCES IN QUESTION FOR THE FORESEEABLE FUTURE ARE MANGANESE NODULES CONTAINING COMMERCIAL QUANTITIES OF NICKEL, COBALT, COPPER, AND MANGANESE. AN INTERNATIONAL TREATY CAN ENSURE THAT NO NEO-COLONIAL RACE DEVELOPES TO SEIZE THESE DEEP SEABED RESOURCES, THAT INTERNATIONAL REVENUES ARE GENERATED FROM

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THEIR EXPLOITATION FOR THE BENEFIT OF DEVELOPING COUNTRIES,
THAT EXPLOITATION IS INTERNATIONALLY REGULATED, THAT
THERE IS REASONABLE ASSURANCE THAT DEVELOPING COUNTRY LAND-
BASED PRODUCERS WILL NOT BE ADVERSELY AFFECTED
BY THE UNCERTAINTIES OF THE INITIAL PERIOD OF EXPLOITATION,
THAT FUTURE COMMODITY ARRANGEMENTS THAT MAY BE AGREED
WILL ALSO APPLY TO DEEP SEABED EXPLOITATION, AND THAT
MINING SITES WILL BE AVAILABLE, NOT ONLY TO STATES AND THEIR
NATIONALS, BUT ALSO RESERVED EXCLUSIVELY FOR DIRECT EX-
POLITATION BY A NEW INTERNATIONAL ENTERPRISES, OR, WHERE
THE ENTERPRISE DOES NOT DESIRE A MINING SITE, BY BONA-
FIDE DEVELOPING COUNTRY OPERATORS. WHAT THE UNITED STATES
SEEKS IN SUCH A SYSTEM IS A GUARANTEED ACCESS FOR STATES AND
THEIR NATIONALS WHEN OBJECTIVE CRITERIA SPECIFIED IN THE
TREATY ARE MET. A SYSTEM OF ACCESS SUBJECT TO POLITICAL
DETERMINATIONS OR SUBJECTIVE NEGOTIATION AND REVIEW DOES
NOT MEET THIS NEED. THE CONFERENCE NOW HAS BEFORE IT A TEXT
WHICH IN LARGE MEASURE, SUBJECT TO FURTHER NEGOTIATION
ON OUTSTANDING ISSUES, CAN ACHIEVE ALL THESE OBJECTIVES.
SOME OF THE DEVELOPING COUNTRY PROBLEMS WITH THE TEXT
DISCUSSED WITH ME (BY YOUR DELEGATION) IN NEW YORK
SEEM REASONABLE, AND WE SHOULD WORK ON THESE, PARTI-
CULARLY WITH RESPECT TO THE ENTERPRISE. OTHER SUGGESTIONS
BEING MADE WOULD OBVIOUSLY BE INCONSISTENT WITH OUR BASIC
INTERESTS, AND COULD NOT FORM THE BASIS OF AGREEMENT.

WITH RESPECT TO THE ECONOMIC ZONE, DIFFERENCES EXIST
OVER WHETHER THE LEGAL STATUS OF THE ZONE IS HIGH SEAS.
WE FIND IT DIFFICULT TO AGREE THAT IT IS NOT, WHILE OTHERS
HAVE DIFFICULTY AGREEING THAT IT IS. OUR PROBLEM IS
OUR CONCERN THAT HIGH SEAS FREEDOMS PRESERVED FOR
THE INTERNATIONAL COMMUNITY MAY, OVER TIME, BE ERODED IF
THE ZONE IS EXCLUDED FROM THE HIGH SEAS. IN EFFECT, THE
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ZONE IS HIGH SEAS FOR SOME PURPOSES, SUCH AS
NAVIGATION, BUT NOT FOR OTHERS, SUCH AS FISHING; IT
WOULD SEEM TO ME THAT OUR DELEGATIONS COULD WORK OUT
APPROPRIATE LANGUAGE IF THEY PROCEEDED ON THIS PREMISE.

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EB-03 INR-05 SSO-00 INRE-00 AF-04 ARA-06 EA-06 NEA-07

EUR-08 /067 W
---------- 026211
O 172025Z AUG 76
FM USMISSION USUN NY
TO SECSTATE WASHDC IMMEDIATE 8702

S E C R E T SECTION 2 OF 2 USUN 3275

STADIS

LIMDIS

FROM AMBASSADOR LEARSON FOR UNDER SECRETARY MAW

THE ADVANCE OF KNOWLEDGE AND TECHNOLOGY PLACES WITHIN REACH, FOR THE FIRST TIME IN HISTORY, A DECENT STANDARD OF LIVING FOR ALL HUMANITY. MOST MARTINE SCIENTIFIC RESEARCH AROUND THE WORLD IS CONDUCTED WITHIN 200 MILES OF THE COAST; ITS BENEFITS ARE, AND SHOULD BE, AVAILABLE TO ALL MANKIND. WE MUST ENSURE THAT POLITICAL OBSTANCLES ARE NOT PLACED IN THE WAY OF SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE. THIS WOULD BE THE EFFECT OF PERMITTING THE COASTAL STATE TO DENY CONSENT FOR ALL SUCH RESEARCH. IT WOULD SEEM REASONABLE TO REQUIRE, FOR ALL SCIENTIFIC RESEARCH IN THE ZONE, NOTIFICATION TO THE COASTAL STATE, A RIGHT OF COASTAL STATE PARTICIPATION IN THE RESEARCH PROJECT, SHARING OF ALL DATA AND RESULTS, AND ASSESSMENTS TO THE COASTAL STATE OF THE SIGNIFICANCE OF SUCH DATA AND RESULTS. IN ORDER TO ACCOMMODATE COASTAL STATE RESOURCE INTERESTS, WE ARE PREPARED TO AGREE THAT, IN ADDITION, THE COASTAL STATE HAS DISCRETION TO DENY UPON RESOURCE EXPLOITATION OR EXPLORATION OR INVOLVES ANY DRILLING INTO THE SEABED OF THE ECONOMICZONE OR CONTINENTAL SHELF.
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FINALLY, WE MUST REALIZE THAT A NEW TREATY WILL NOT ACHIEVE ITS PURPOSE OF SUBSTITUTING A REGIME OF LAW FOR A REGIME OF POWER UNLESS IT CONTAINS PROCEDURES FOR BINDING AND IMPARTIAL THIRD-PARTY SETTLEMENT OF DISPUTES

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REGARDING INTERPRETATION AND APPLICATION OF THE TREATY, WHERE THE PARTIES CANNOT AGREE ON A SOLUTION OF ALTERNATIVE MEANS OF SETTLEMENT. OTHERWISE, UNILATERAL INTERPRETATIONS OF THE TREATY WILL HAVE THE SAME PRACTICAL EFFECTS AS UNILATERAL CLAIMS AND COUNTER-CLAIMS. THE MOST CRITICAL AREAS IN THIS REGARD ARE THE DEEP SEABEDS AND THE ECNOMIC ZONE. HOWEVER, LET ME ASSURE YOU THAT WE DO NOT INTEND ANY DISPUTE SETTLEMENT SYSTEM TO SUPPLANT COASTAL STATE MANAGEMENTS OF FISHERIES AS PROVIDED IN THE TREATY, AND ARE PREPARED TO WORK ON LANGUAGE THAT ENSURES THIS.

IF THE FOREGOING PROBLEMS ARE RESOLVED, AND WE RESOLVE THE PROBLEM OF ACCOMMODATING THE INTERESTS OF LANDLOCKED STATES AND OTHER STATES WITH LIMITED OFFSHORE RESOURCES JURISDICTION WITH THOSE OF NEIGHBORING COASTAL STATES IN A MANNER THAT IS FAIR TO ALL CONCERNED, THEN WE WILL HAVE OVERCOME THE MAJOR OBSTACLE TO WIDESPREAD AGREEMENT.

I WOULD HOPE, MR. ( ), THAT YOU WOULD FIND IT POSSIBLE TO JOIN THE UNITED STATES IN INSTRUCTING OUR RESPECTIVE DELEGATIONS TO COOPERATE IN DEALING WITH THE REMAINING OUTSTANDING PROBLEMS IN A MANNER THAT CAN ENSURE THEIR GENERALLY ACCEPTABLE RESOLUTION FOR THE BENEFIT OF ALL COUNTRIES, NOW AND IN THE FUTURE.

SINCERELY,

END TEXT.

4) THE TRANSMITTAL CABLE TO OUR EMBASSIES REQUESTING THEM TO DELIVER THE LETTER SHOULD INFORM OUR AMBASSADORS THAT THE LETTER IS SEEKING HOST GOVERNMENT SUPPORT AND COOPERATION ON FOUR ISSUES: (1) DEEP SEABEDS; (2) HIGH SEAS STATUS OF THE ECONOMIC ZONE; (3) SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE;

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AND (4) COMPULSORY DISPUTE SETTLEMENT. IT WOULD SEEM USEFUL FOR OUR AMBASSADORS TO EXPLAIN THIS WHEN DELIVERING THE LETTER, SINCE IN MANY CASES, THEIR REPRESENTATIVES ARE OPPOSING US IN EACH OF THESE AREAS.
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Copy: SINGLE
Draft Date: 17 AUG 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
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From: USUN NEW YORK
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Legacy Key: link1976/newtext/t19760844/aaaabmno.tel
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04 MAY 2006

Review Media Identifier:
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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS - LETTER FROM THE SECRETARY TO HEADS OF STATE AND FOREIGN MINISTERS 1) THIS CABLE TRANSMITS A BASIC DRAFT FOR LETTERS
TAGS: PLOS, PSDC, LOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006